

**Naples Planning and Land Use
Public Meeting
April 15, 2021**

Commission Present: Chris Clark, Andrew Bentley, and Jessy McKee,

Commission Absent: Scott Adams, Amber Ray, and Jacob Harrison

Others Present: Dean Baker, Heidi Lundberg, Ken Reynolds, Rob Heywood, James Richards, Linus Harrison, Trixie Harrison, Florin Owens, Mary Owens, Karl Jackman, Denice Stringham, Bret Stringham, and Shane Mayberry

Verification of full Quorum Chris Clark verified a full quorum.
All commissioners will be voting in tonight's meeting.

Approval of Agenda

Mrs. Lundberg asked to take off the election of chairman and vice-chairman and table the off-premises signs item. Commissioner Bentley asked to table the training as well.

Andrew Bentley motions to approve the agenda for the April 15, 2021 with the changes. Jessy McKee seconds the motion.

All in favor:

Chris Clark	Aye
Andrew Bentley	Aye
Jessy McKee	Aye

Motion carried with all voting Aye. None opposed.

Disclosures

None

Approval of Minutes

Andrew Bentley motions to approve the March 18, 2021 minutes. Jessy McKee seconds the motion.

All in favor:

Chris Clark	Aye
Andrew Bentley	Aye
Jessy McKee	Aye

Motion carried with all voting Aye. None opposed.

PUBLIC HEARING

Pheasant Run Rezone R2 to R1

Mrs. Lundberg explained currently it is zoned an R2 zone with a developer's agreement. The reason this came up was the Mayor stated this was the original intent when the developer's agreement was drafted that it would be rezoned back to an R1. The effective date would be when the developer's agreement expires which would be September 12, 2023. An R1 zone is less dense and has wider lots. An R2 zone allows multifamily dwellings and has narrower lots. Commissioner Bentley asked if that would affect future development because there are some empty lots in that subdivision. Mrs. Lundberg stated if there are lots created before the rezone, they would be nonconforming lots.

MOTION: Andrew Bentley motions to open the public hearing for the Pheasant Run Rezone R2 to R1. Jessy McKee seconds the motion.

All in favor:

Chris Clark	Aye
Andrew Bentley	Aye
Jessy McKee	Aye

Motion carried with all voting Aye. None opposed.

Florin Owens, lives in Pheasant Run, he explained he is for the change to R1, they do not want apartments, they want to keep it a nice neighborhood. They moved here from Cedar City because that very thing happened, apartments went up in their neighborhood. He mentioned he does not have a problem with schools or churches. He requested to finish what has been started in the subdivision. They have 3 streetlights that have not been hooked up and do not work. They asked the developer why the lights are not working. Mr. Heywood was not sure why; they have been paid for; the city should own those lights now.

Karl Jackman, lives in pheasant run, He stated he agreed with most of what Florin said. He wants to see it zoned R1. If you zone it different then you will lower his property values. If you turn it to an R1 his property values go down because of the bigger lots. He requested it be zoned R1 retroactively and expand his property line and the neighbors to comply with the 12,000 sq ft lots, just extend the lot lines behind them and then his property value would be protected; that would make him happy. Let us make it consistent and expand his property lines. He stated it would be easy for city to extend his property line, this would standardize the zoning and make increase his property values. Commissioner Bentley asked if extending the property lines is not possible then what would he like? Mr. Jackman said whatever you do do not decrease my property value; if all options are bad, do not do anything. Commissioner Bentley stated it is currently an R2, and the developer's agreement does not allow the duplexes and smaller lots. If we do nothing, it will revert to R2 standards. Mr. Jackman stated he votes for R1 and would not consider the other options. Whatever you do, do not decrease his property values. He wants to be happy. He stated on the north side of the lot there is a 10-foot easement, he has no access to the south side of the property, he suggested putting in a municipal alley easement through there, so they have access to the south side of their property. Where the undeveloped land is not recorded with the county the developer has the flexibility to make them look like whatever he wants to. So whatever future building would come would be built using R1 zoning with larger lots. He would like an alley access on the south side of his property. Commissioner Bentley asked if that is something Mr. Jackman and the other property owners would be willing to do on their own. Mr. Jackman said it would not be difficult to establish the path.

Rob Heywood, developer, there are 38 acres undeveloped. He stated he is the biggest property owner being affected by this decision. These are lots that are designed but not platted. He mentioned they have been pushing pause on developing the improvements because of the market conditions. The lots are designed and there is a significant effort in the entitlement process and to draw and design the lots. To rezone as an R1 it changes the lots a little bit. This is the second time a rezone would happen on this land; he does not want that to happen. There are no duplexes in there. There are some lots that are bigger but an average of 86 feet. It functions like an R1 zone that we have been desiring to build, not twin homes. He stated it was not their intent to rezone back to R1. He understands they do not want property values to diminish from new development, it is their intent to increase property values around there. He explained in talking with staff it is the city's desire to bring commercial to the city then you need the rooftops. He mentioned the real estate prices are prohibiting his son from buying a house. If that increase in property values has not come to Naples yet, someday it may; we need to keep the affordability down. The biggest real estate cost is land values. They want to deliver a quality product at an affordable price so the kids that grow up here can live here. He stated it is not their intent to build twin homes. He asked to keep it as the R2, there is a lot at stake so they can deliver an affordable product. Commissioner Bentley asked if he was going

to build houses. Mr. Heywood said they have been looking for a local contractor and a building partner. Commissioner Bentley asked if extending the developer's agreement be something he would be interested in. Mr. Heywood said he would. Commissioner Bentley said if we did that it would keep the property owners already there safe from their property values changing. He asked who made the application to rezone. Mrs. Lundberg said it was city council and the mayor. Chairman Clark said he could make future development until the developer's agreement expires. Mr. Heywood said there are about 108 total lots left to be developed, none could start building yet. He said phases 2 & 3 have preliminary approval, if they had a builder partner right now we would move forward with final plat approval to start those lots. Commissioner Bentley asked if there is a road there. Mr. Heywood said all the infrastructure would need to be built. Commissioner Bentley mentioned there is quite a bit of construction going on in the basin and not a lot happening in Naples.

Shane Mayberry, 935 S 2000 E. He explained he was here when the city was established, and the council and the mayor spoke about what those values were when it was established. He mentioned Vernal City was trying to take our revenue. The values we founded the city on was rural and not increasing taxes, clean, quiet, and family. If we base all our decisions on those values of keeping Naples rural then it makes our decisions easier. He stated Naples was not established to provide opportunities for developers or accelerate growth or provide affordable housing; it was to keep our quality of life, rural, clean, and quiet and not be burdened with taxes. We need revenue to run the city, but we need to keep that in check. When we started the city, we had no revenue, and we were happy. The nature of government is to expand so he encouraged them to channel every decision against what the values are. Commissioner McKee stated he agreed.

Florin Owens expressed his concern with traffic after hearing there are 108 more lots to be developed. He hopes they are thinking about that stuff. Commissioner Bentley stated with that many houses there would need to be another access.

Scott Hyatt, lives in Pheasant Run. He stated he has lived there since 2012. The developer wanted to put a subdivision in like Daybreak with twin homes. It was zoned from an R1 to an R2 and wen along with it. Now 7 years later the only thing they have done is put in the emergency access road through; the city promised it would be cleaned and plowed but it's never been plowed. He would like to change it to R1. These lots are so small already, a few kids in the yard have no room to run.

MOTION

Andrew Bentley motions to close the public hearing for the Pheasant Run Rezone R2 to R1. Jessy McKee seconds the motion.

All in favor:

Chris Clark	Aye
Andrew Bentley	Aye
Jessy McKee	Aye

Motion carried with all voting Aye. None opposed.

Chairman Clark asked if the developer's agreement could be extended between and the City and developer. Mrs. Lundberg said the life of the developer's agreement goes until September 12, 2023. Mr. Jackman stated the city council should not make that decision without talking with the citizens. Chairman Clark asked if it could be extended or renegotiated at that time. Mayor Baker said it would be up for renegotiation at that point. Mr. Jackman stated how would the citizens know without access to the agreement, where can we get that. Commissioner Bentley stated it should be public record. Chairman Clark asked if we could have concept plans for the development, but they are not locked into a zoning ordinance until they have a preliminary plat proposed. Mr. Jackman stated if they have preliminary plat approval, they have the legal authority to change anything they want to until they get final plat approval. Chairman Clark reminded the public they are out of the public hearing and in discussion with the commission. Commissioner Bentley asked what

are exactly are we doing right now, are we protecting the subdivision from falling into an R2 when the developer's agreement goes away, is that the purpose or is it to try and send a message to the developer that this is the direction we want this to go. Chairman Clark stated he does not want to discourage development within the city. Commissioner Bentley expressed his number one goal is to protect someone's property; if they own it they should be able to do what they want. This would affect everyone around, but it is a question of what the developer gets to do with the property he owns. Chairman Clark expressed his opinion if someone tried to come change my plans that I invested time and money into, it would be difficult to continue and a desire to continue and develop; but this has been going on for 6-8 years now. Mr. Heywood said the city only had the R1 and then created the R2 to get close to what we had before. It is not just paper, there are improvements in the ground. Commissioner Bentley asked if staff could find a statute in the state that might override what we are trying to do. Chairman Clark mentioned this is the first time we have seen this rezone request. Mrs. Lundberg clarified that this rezone would not take effect until 2023, when the developer's agreement expires. We are having the public hearing now, so that when the time comes it will be ready to go.

Mayor Baker stated what the council is requesting is consider rezoning this to an R1 so when the developer agreement ends it becomes and R1 zone. Chairman Clark asked the Mayor what the influence or direction the council had for bringing this forward. Mayor Baker said back when Mr. Heywood acquired the land from the previous developer that the first phase was created back when we were trying to establish our zones and we only had everything in RA1. When the subdivisions were coming in, they realized they needed an actual zone for developers; that was in the transition period. When the developer came in part of the sewer and water were stubbed out and they wanted to keep that so that is how the developer agreement came about. The developer wanted smaller lots which would have been an R2, but the neighbors did not want the duplexes, so we created the developer's agreement. One thing the council looked at was there is no development in 8 years, and we needed to get a handle on it before the developer's agreement expired and is zoned an R2. We are looking to protect the city and go back to an R1 zone which it was originally. If he wants to work on a new developer's agreement something would need to move along, we hate to see land not developed and just a weed patch. Commissioner Bentley asked if we changed the R2 zone to mimic the developer's agreement. Mayor Baker said that is up to the commission. Commissioner Bentley suggested changing the R2 zone and it would protect the integrity of the developer but also keep the land values static. Mayor Baker said we are looking at it now, so we have something in place so when that date hits we are ready as a city. Commissioner Bentley stated if we put it into an R1 and something changes with the developer and now multimillion-dollar homes are being built in there, that wouldn't serve the community as well. Chairman Clark stated the current residents have invested in their property; we also don't want to leave this vacant if there is an opportunity to develop. Commissioner Bentley asked if we could change the developer's agreement to where he could build just 10 lots. Mayor Baker said that is a possibility, the discussion as a council was once the developer's agreement is done, it has done. We want to protect the residents that are there but also see development progress. Commissioner Bentley would like to change the R2 zone. Chairman Clark would like to carry this over to another meeting since this is the first time we have seen this.

MOTION: Andrew Bentley motions to table the rezone. Jessy McKee seconds the motion.

All in favor:

Chris Clark	Aye
Andrew Bentley	Aye
Jessy McKee	Aye

Motion carried with all voting Aye. None opposed.

PLANNING/DISCUSSION

Land Use Ordinance Changes

Linus & Trixie Harrison

Linus explained their parents live at 2419 S 2000 E and are interested in buying some of their land but there isn't enough frontage, so it would be a flag lot. There is approximately 84 feet of frontage if the split the lot, but you need 100 feet. He explained they would not develop it, they would put cows or hay on there. Mrs. Lundberg stated flag lots are not allowed in that zone. Mr. Harrison said the neighbors built an expensive driveway and to move the fence line would be doubtful. Commissioner Bentley asked if we would have to change the zone or allow a conditional use. Mrs. Lundberg stated you would have to change the zone to allow flag lots. Commissioner Bentley asked if we could allow a flag lot without dwelling on it. Commissioner McKee agreed we should. Chairman Clark questioned how that would work because an RA1 allows dwellings. Commissioner Bentley asked if they could get 15 feet from the neighboring property and let them have an easement. Commissioner McKee mentioned that would be difficult. Mrs. Lundberg stated flag lots are only allowed in the A1 zone. The A1 zone has 80-foot frontages with 16,000 square feet and the RA1 has 100-foot frontages with 20,000 square feet. Chairman Clark mentioned rezoning that area to an A1 would solve the problem. Commissioner Bentley stated we could put that as a permitted use in the RA1 zone. Chairman Clark explained there are two options for the Harrisons; request a rezone to the A1 zone or request to amend the RA1 zone to allow flag lots. Commissioner Bentley asked if you could spot zone. Mrs. Lundberg replied it's not recommended. Mr. Mayberry stated you need to be really really careful changing ordinances willy nilly, that's how we get ourselves in trouble. We need to think through and go back to our values. Maybe it could be done with a conditional permit; but it is very dangerous to go around willy nilly changing ordinances. Commissioner Bentley explained we are trying to work this out. Chairman Clark stated going from an RA1 to an A1 would be rural. Commissioner Bentley asked if we could do it as a conditional use. Mrs. Lundberg explained it is not a conditional use in that zone so we would not be able to unless you amend the RA1 zone. Commissioner Bentley asked if there is some way to allow agricultural land to be subdivided. Mr. Mayberry that would make it rural which is consistent with our values. Commissioner McKee said this should not be difficult to buy a field. Commissioner Bentley asked if we could change the ordinance to allow for a conditional use for agricultural purpose in an RA1 zone. Mrs. Lundberg replied we can investigate that. Chairman Clark said you would have to make a new zone and restrict all dwellings; you cannot allow just one parcel. Mr. Jim Richards stated his property is the only A1 zone in the city. He recommends converting that to agricultural A1 like his so it will work; he would like to see more agricultural. Chairman Clark reiterated the two options; look at rezoning to an A1 or amending the RA1 ordinance to allow flag lots. Commissioner Bentley would like to see if there is a way to allow agricultural land to be subdivided.

Concept Approval for Naples Self Storage – Jim Richards

Jim Richards suggested changing that area around the Harrisons to an agricultural zone.

He explained he has been in the self-storage business for about 11 years. He mentioned they have a storage unit in the county; they are completely full. In the Fort Knox storage units in Naples are nearly full as well. He mentioned he owns 2 ½ acres behind Simper Supply where the proposed storage facility would be. He stated it is zoned Industrial for 600 feet on either side of the highway, most of the proposed plan is in the industrial zone, which storage facilities fit in the industrial zone. They are planning on calling it Naples Self Storage and develop in 4 phases. The buildings on the west side would be the first phase. The first phase would be the 20-foot containers on the final phases. 20-foot containers on the north side and 40-foot containers on the east side. The first building would have sidewalk and the gates in place. It would be 10x20 deep and a few containers in the back. The next phase would be 10'x15' deep and the ends would be 5'x10'. Commissioner Bentley asked how many phases. Mr. Richards replied 4, in about 4-5 years. Commissioner Bentley

asked what the surface would be. Mr. Richards replied 5" concrete driveways. Commissioner Bentley asked if that will be done in sections as well. Mr. Richards replied yes. He mentioned they would do xeriscaping along the front to meet the city requirements for landscaping. Commissioner Bentley asked if this is a permitted use. Mrs. Lundberg replied yes, in the industrial zone. Commissioner Bentley asked if they are doing fencing around the entire project at the beginning. Mr. Richards said there will be fencing along the front. Commissioner Bentley asked if there will be fencing around the rest of the project. Mr. Richards said no because his family owns the rest of the property around it. He mentioned he would like to build a home next to it for an office eventually.

Commissioner Bentley asked if there are requirements for an industrial abutting a residential zone, like a fence. Mr. Richards mentioned whatever the requirements are they will meet them. What he wants to do is do an acre at a time and have the whole concept approved and just do the first phase. Mr. Mayberry asked if he is within the 600 feet industrial zone or does it go into the residential. Mrs. Lundberg explained the lot is zoned half and half, so it could be used for either use. Mr. Mayberry mentioned he was on planning and zoning and you cannot encroach one foot into the residential area. He said it was part of the general plan, the 600 feet was for the whole corridor. Chairman Clark suggested we double check the ordinance. Mayor Baker said on 500 South there is a wireline company that built a building, they started to encroach into the other piece that was zoned residential; the city did not allow it unless they rezoned it industrial. Mr. Mayberry said the city had to pull them back on it because they arbitrarily did that. Chairman Clark said Mr. Richards can resolve it by ordinance or a rezone application.

Mr. Richards mentioned these storage units are a nice buffer between industrial and residential; residential will have access to storage facilities. He explained his eventual plan is build a residential home on the edge for an office to manage the facility. He mentioned there are agricultural pipelines that go through the property that service the fields. He explained he will work with his neighbors. Mrs. Denise Stringham said they are platted. Mr. Brett Stringham asked what he was going to do with the irrigation pipeline. Mr. Richards said they will do whatever it takes. Mr. Stringham said you cannot build on top of it. He said they have a farm below this area. Mrs. Stringham said she has a notice of right-of-way for the pipeline. She is ok to approve it but that he has to move the water. Mr. Richards said he will do what it takes so the water is not affected; he can reroute the pipeline and will work with the neighbors.

Chairman Clark stated he believes the concept plan is complete; it is a permitted use, there may be some zoning issues but nothing to prohibit him to move forward. Mr. Mayberry said it would be permitted within that industrial zone. He mentioned this is why the general plan is so important because it is your governing guiding thing. The 600-foot corridor has been extremely important to guide activity in the past. If we allow that to go beyond the 600 feet that now affects so many things in so many ways. Commissioner Bentley stated if he wants to go beyond that 600 feet he would need to rezone it. Mr. Mayberry stated that is consistent with the general plan. Mayor Baker stated the general plan concept depends on how much industrial we want compared to changing to commercial or other zones; that needs to be discussed and looked at. We're redoing our general plan so we have a vision of what we want the city to look like going forward. Chairman Clark stated Mr. Richards has a path forward, a good concept; one question is we might have landscaping requirements. Mr. Richards mentioned he can do whatever siding is required for those buildings.

MOTION:

Andrew Bentley motions to approve the concept plans for Naples Self Storage pending the things discussed. Jessie McKee seconds the motion.

All in favor:

Chris Clark	Aye
Andrew Bentley	Aye
Jessy McKee	Aye

Motion carried with all voting Aye. None opposed.

Highway 40 Corridor

Mrs. Lundberg explained last meeting Mr. Joshua Bake had given them the corridor handout, staff wanted them to have a discussion on what they want to move forward with and thoughts on corridors after reading that document. Commissioner Bentley asked what this would change. Most of the Highway 40 is already purposed. Commissioner McKee asked if we were out of the scenic byway. Mayor Baker replied yes, we segmented out of it in Naples. Commissioner Bentley asked if we could make Highway 40 more accessible as far as non-vehicular traffic. The corridor might be a way to add a loop for biking. The corridor will not change much as far as the aesthetics go. Mr. Mayberry stated on the 2000 East road if you make it a bike path it has to have a 5-foot shoulder and 12-foot travel lanes. Mayor Baker said if we are going to use the federal money that is what they would require. Mr. Mayberry stated just by designating that as a bike route down 2000 East forced the city to put a 5-foot shoulder beyond the white line and a 12-foot travel lane; which would increase the speed of traffic and speed. When you designate things it's good to ask questions, what are the consequences of making those decisions. We need to change that designated bike route back down to Highway 40 and not down 2000 East. Commissioner Bentley replied a police presence would also help with the speed.

Commissioner Bentley stated we should look at adding this to the general plan. Chairman Clark stated the question is do we want a Highway 40 corridor. Mrs. Lundberg replied yes, we mention it in our industrial zone. The overlay is in the same chapter instead of in its own chapter. Chairman McKee stated if we want to do the corridor on everyone that has a pull out there, he would say yes. Chairman Clark expressed it should be tied to the parcel, not just the building. Commissioner McKee agreed. Commissioner Bentley in most cases businesses like IFA would want to make theirs appealing, so it does not matter if they are just the access and not the parcel. Maybe the question is if someone is just the access and wants their stuff to be conspicuous that we allow something there, like trees or foliage. Commissioner McKee asked if a fence would work. Commissioner Bentley said if a fence is required then it would apply, but if it is just frontage and they can improve the visual he would not require a fence for that. Chairman Clark asked if we want to tie the corridor to the parcel or the building. Councilman Reynolds suggested approving the wording presented. Commissioner Bentley expressed he likes if a building is within 300 feet and if it is not, something to make it inconspicuous such as landscaping and include outbuildings in that. The question is to make the front of the building look nice or adding some screening instead, that is a viable option. Chairman Clark stated we go with the 300 feet tied to the parcel but if they do not want their building to comply with the Highway 40 corridor requirements, then they can provide screening as a method of beautifying the corridor.

Medical Cannabis conditions for conditional use

Mrs. Lundberg explained the state requirements for a medical cannabis pharmacy requires security system, so requiring that follows with state code. It also states a municipality cannot enact an ordinance may not restrict the hours of operation from 7 am to 10 pm; so we have to allow it to be open from 7 am to 10 pm. The conditions would be the hours of operation from 7 am to 10 pm and CCTV cameras must be installed to record the store and sales floor. Commissioner Bentley asked if it should be just the entrance and exits or the sales floor too. Mrs. Lundberg mentioned we took this statement of the CCTVs from the shooting range conditional use. Another condition would be meet state guidelines, there is no local control over medical cannabis pharmacies, it would be through the state. These conditions we have proposed do not conflict with state guidelines.

General Plan Update

Mrs. Lundberg asked for dates. It was suggested to look at an anniversary date of the firehouse open house or the anniversary of the city becoming a city. They agreed on May 15, 2021.

ITEMS FOR FUTURE DISCUSSION

Land Use Ordinance Changes

RA2 02-23-002-5

Mrs. Lundberg explained there is a statement that says how far from your own home you can have livestock, so we wanted to address that.

ADJOURN

Andrew Bentley motions to adjourn, Jessy McKee seconds the motion.

All in favor:

Chris Clark	Aye
Andrew Bentley	Aye
Jessy McKee	Aye

Motion carried with all voting Aye. None opposed.

The next Planning and Zoning meeting will tentatively be held May 20, 2021 in the Naples City Council Chambers @ 7:30 P.M.